

REMARKS

Claims 1, 2 and 4-10 are pending in the application and are rejected. Claim 1 has been amended to include the limitation "having water solubility triggered by changes in pH" in the preamble. Support for this amendment may be found in the Field of the Invention on page 1 of the instant specification. The amendment does not constitute new matter.

Rejections Under 35 U.S.C § 103(a)

The Examiner has rejected Claims 1, 2 and 4-10 as being unpatentable over U.S. Patent No. 4,708,870 to Pardini ("Pardini"). For the following reasons, Applicants respectfully traverse the Examiner's rejection of claims 1,2 and 4-10 as being rendered obvious by Pardini.

Pardini teaches a method for imparting non-fugitive antimicrobial activity to an article of manufacture by forming the articles of manufacture from an acrylonitrile composition that imparts antimicrobial activity to acrylic polymers. Pardini specifically limits the amount of protonated amine to no more than 10%, or 3 mole %, in order to achieve the antimicrobial activity. The procedure to make the polymers is detailed in column 3 of Pardini. Even when diluted with copious amounts of water, the reaction product is a slurry which has to be filtered (see lines 50 to 60). These materials are insoluble in water, even when neutralized to pH 3 (col. 3, lines 11 to 14). The solubility of these materials decrease as the pH is increased. Therefore, the materials with 3 mole% protonated amine do not show the desired properties of controlled release.

In marked contradistinction, the materials of the present invention with 5 mole% protonated amine clearly show changes in solubility as a function of pH and therefore have the desired property of controlled release. The present Description states that if "the polymer has ... too little protonated amine monomer.. the polymer will become insoluble

even under lower pH conditions" (p. 6, last line - p. 7, end of 1st paragraph). Indeed, as the Examiner states, Pardini does not teach or suggest its polymer being triggerably soluble in water based systems upon changes in pH, salt or surfactant concentration or both. In view of the above discussion, applicant is able to establish, simply by pointing to the discussion in Pardini, that the parameters of Pardini, particularly the 3% of protonated amine monomer units, would not be effective nor capable of having the desired property, i.e., controlled release.

These features upon which applicant relies (i.e., film coatings having water solubility triggered by changes in pH) are now recited in the preamble of claim 1 and are intended to give life and meaning to the claims.

It is believed that the above amendment and remarks overcome the Examiner's rejections of the claims. Withdrawal of those rejections is respectfully requested. Allowance of the claims is believed to be in order, and such allowance is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, reading "Louis A. Morris".

Louis A. Morris
Attorney for Applicants

Akzo Nobel Inc.
Legal & IP
120 White Plains Road, Suite 300
Tarrytown, New York 10591
Phone (773) 320-6774
Fax (914) 366-4097